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A perennial problem?

On underoccupation in English council housing

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Abstract

Addressing the issue of underoccupation has been a prominent feature in English social housing policy since the Conservative-Liberal Democrat Coalition government was formed in 2010. A key move under the Coalition's welfare reform agenda was the implementation of the underoccupancy penalty – the so-called 'bedroom tax' – from April 2013. However, while this policy triggered high profile protests, it does not represent a novel policy preoccupation. Variations on the theme have recurred in housing policy debates almost since the advent of council housing. This paper adopts a long-term perspective and presents a sociological institutionalist analysis which focuses on the mechanisms through which underoccupation has been governed. Drawing on a range of archival material, we argue that the government of underoccupation has undergone revealing transformations over the period since 1929. Not only does the broader policy context – understandings of the purpose of social housing and the role it fulfils in the housing market – differ over time, but, at the more detailed level of policy instruments, the mechanisms proposed to address underoccupation differ in ways that can be explained in terms of prevailing policy logics and institutional structures. Most significantly, the nature of the underoccupation problem has been framed differently: the rationales offered as justification for policy action draw on very different vocabularies, in ways

that allow us to trace the influence of more fundamental shifts in policy discourse into the domain of housing policy.

Introduction

The social sector size criteria or “underoccupancy penalty” – more commonly known as the “bedroom tax” – was introduced in April 2013 by the UK Coalition government with the declared aim of *inter alia* addressing equity issues in the diminishing social housing sector. It cut recipients’ housing subsidy (housing benefit) by 14% if their property had one bedroom more than they were deemed to need and 25% if it had two bedrooms more than they needed (2006 Housing Benefit Regulations, Regulations A13 and B13). Government intended this to force households to reconsider their housing requirements: unless they could make up the shortfall in rent from their own resources they would be obliged to trade down to a cheaper property in the social or private rented sector. The bedroom tax policy was politically contentious. Prior to its implementation, the policy triggered high profile protests and newspaper campaigns seeking to “Axe the tax”, including an extensive social media campaign (see Carr and Cowan, 2016). Academic commentators were quick to identify significant weaknesses in the policy (eg Gibb, 2015).

While the bedroom tax episode might suggest that the issue of underoccupation was a novelty being injected into social housing policy, in this article we adopt a long-term perspective to argue, to the contrary, that underoccupation has been a recurrent theme for policy towards public housing, almost since its foundation. We trace the issue back to its apparent discovery in 1929-30. While in the immediate aftermath of the First World War the priority was dealing with poor housing conditions and providing “homes fit for heroes” (Swenarton, 1981), policy concerns about *under*occupation emerged only a short time later.

We argue that under- and overoccupation were not distinct concerns but part of the same problematic: the proper management of council housing. In tune with different problematisations of council housing, as well as its external regulation, over the period since 1929 the question of its proper management has been approached from different angles. We draw attention to four different governing mechanisms and use them to structure the core of the paper. First, there was a question which needed answering: was underoccupation a proper subject of government?; second, there was a question of knowledge about its extent,

which, third, required underoccupation to be defined; and, finally, there was the question about the proper government of tenants. This last question returns us to the bedroom tax, which, while not entirely novel from the perspective of underoccupation discourse, nonetheless embodies important characteristics that distinguish contemporary policy from that of earlier periods. These are further explored in the subsequent discussion section.

We draw on the policy instrumentation approach in policy studies to argue that the way in which underoccupation recurs in the policy debate reveals much about how the purposes and limits of governmental action, and the relationship between government and the citizen, have been understood. Policy instruments are not merely technical mechanisms by which policy objectives are pursued more or less effectively; rather, they are institutions that lay bare the conceptualisation of governing. This approach is discussed in the opening section, where we set out the key lines of argument from the policy instruments and instrumentation literature, which itself draws on broader institutionalist approaches.

The documents upon which we draw are some of the key texts in the twentieth century history of housing policy. In a sense, then, a focus on underoccupation concerns profound questions in the governance of council housing, and the problematisations through which council housing and its subjects came to be known and acted upon. It is both an imaginary of the ethics of management and the occupier, as well as the rationalities of welfarism and neo-liberalism.

A policy instruments approach

The nature of policy instruments and their relationship to policy design is of longstanding interest in policy studies (eg Howlett, 2011). A broad range of potential policy instruments have been enumerated (eg Salamon, 2002), particularly in response to policy innovation which has enlarged the available portfolio of instruments over time. Attempts have been made to construct taxonomies of policy tools (most notably by Hood, 1986; Hood & Margetts, 2007). Early ideas that there were relatively straightforward mappings from policy problem to policy instrument have given way to more contextual understandings (Howlett, 2004); and,

more recently, to greater emphasis upon design, instrument mix, and considered selection (Howlett *et al*, 2015).

A criticism levelled at the mainstream policy tools and instruments literature is that it is technocratic and functionalist (Lascoumes and Le Gales, 2007). It assumes tools and instruments are subsequent and subservient to policy objectives; that is, policy makers first decide their objectives and then determine the appropriate tools to meet those objectives; and that, when selecting tools, policy makers are primarily seeking effectiveness. This criticism can be, and has been, overdone. Effectiveness is not the exclusive driver of tool selection (Howlett, 2004). Most importantly, effectiveness needs to be set alongside questions of legitimacy and political support (see, for example, Capano and Lippi, 2017). The criticism regarding temporal sequencing has substance, although recent moves exploring the role of 'instrument constituencies' (Beland and Howlett, 2016; Simons and Voss, 2017) develop a variable temporal articulation between policy solutions and policy problems.

A distinct, critical line of argument has been instigated by Le Gales and colleagues (Lascoumes and Le Gales, 2007; Kassim and Le Gales, 2010). The core of their argument is the need to get beyond thinking about public policy instruments primarily in functionalist terms, treating them as secondary to a concern with policy objectives. A focus on instruments can reveal much about the nature of public policy. This is evident from their definition:

A **public policy instrument** constitutes a device that is both technical and social, that organizes specific social relations between the state and those it is addressed to, according to the representations and meanings it carries. It is a particular type of institution, a technical device with the generic purpose of carrying a concrete concept of the politics/society relationship and sustained by a concept of regulation. (Lascoumes and Le Gales, 2007, 4, emphasis original)

Lascoumes and Le Gales argue that public policy instruments are infused with power relations. Furthermore, "every instrument constitutes a condensed form of knowledge about social control and ways of exercising it" (2007, 3). Instruments, as institutions, are not natural or readily available: they "may need to be brought into existence, constructed or composed"

(Kassim and Le Gales, 2010, 4). While on some occasions a policy instrument “might be dressed up in technocratic language to depoliticise and de-democratise public policy-making, on others it might be similarly disguised in attempts to politicise and democratize” (Bache, 2010, 59). Far from being neutral devices that simply transmit policy objectives into implementation, instruments can have independent effects. That is, instruments, “independently of the objectives pursued (the aims ascribed to them), structure public policy according to their own logic” (Lascoumes and Le Gales, 2007). This is an invitation to decouple declared policy aims and rationalisations from the instruments used to effect change (without privileging either). Focusing on policy instruments can reveal the way in which instrument choice can incrementally drive policy in unexpected directions, including against seemingly path dependent processes (Palier, 2007).

The policy instrumentation approach also offers a modification of Hood’s (1986) typology of policy tools. Lascoumes and Le Gales (2007, pp.11-14) identify five types of policy instrument: legislative and regulatory; economic and fiscal; agreement-based and incentive-based; information-based and communication-based; de facto and de jure standards.

A key component of policy design is the target population towards which policy is directed (Schneider and Ingram, 1993; 2005; Schneider *et al*, 2014). Schneider *et al* break from more materialist explanations of policy change that focus on the power of various lobby groups/stakeholders to argue that a concern with power needs to be supplemented with a concern for the social construction of target populations: those who will benefit from or be penalised by policy and policy change. Particular attention is given to those groups who are seen as *dependent* (powerless but positively viewed) and *deviant* (powerless and negatively viewed). Shifting between these categories in popular discourse can be a component of, or prelude to, policy change. As we turn to the issue of underoccupation this argument is salient in understanding the way certain occupants of social housing are constructed as legitimately receiving support from the state or, in contrast, deviant in their continuing exploitation of state largesse thereby denying support to other, more worthy, dependent households.

Documentary sources

The scope of the relevant archive underpinning our historical inquiry is potentially considerable. As well as a broad range of documents generated by and for government departments, there are a range of professional and practitioner bodies – such as the Institute for Housing and the Society of Women Housing Managers – that generated material potentially relevant to our discussion. Similarly, policy at local level, particularly in London, was already engaged with the issue of stock utilisation by the time the issue entered the national debate. While encompassing such material would offer the opportunity to explore in more detail the degree of consensus on the topic during particular periods, in this paper we focus on the heart of the debate: the positions taken by government and texts produced for or commissioned by the relevant departments. Our aim is to capture the essence of the rationality of governance as instrumentation evolves over the long-term.

The first texts on which we focus are Ministry of Health reports in the inter-war period, as council housing began to be developed, as well as reports from the Parliamentary Committee of Local Expenditure, which analysed the use value of the housebuilding programme. If, as Power (1987: 66) suggests, “Councils became landlords without commitment, plan or forethought”, it was during this period that the role of management and the proper use of council housing came to be considered. At this time, the principal concern was the overoccupation of housing, but this was mirrored in a concern about the underoccupation of council housing, which was first raised in the report from 1930-31 (Ministry of Health, 1931): “[a]part from the limited number of tenants of really substantial resources, there must be many cases of change of status, as for example of tenants who had young families when they first became tenants but have them no longer”. This was discussed in the context of the use of differential rents for properties subsidised under the 1924 Wheatley Act: it was noted that councils “have of course full discretion to charge rents differentiated on any principle they may wish to apply to the tenants ... whose economic position justifies differentiation”.

Our second set of texts are reports produced by the Central Housing Advisory Committee (CHAC), and its sub-committee on housing management, in so far as they discuss the use of council housing. These texts relate roughly to the period 1935-1971, a period often characterised as one in which relations between central and local government enabled the

latter to expand within a broadly facilitative legislative and financial environment (Loughlin, 1986). CHAC reports offer guidance to housing managers and were a principal instrument for developing the management role and purpose. The period is also characterised by green light discretion in the management of the housing stock: local authorities largely had free rein within a permissive structure (see, for example, Merrett, 1979: ch 9; Holmans, 1987: ch 4). A significant feature of this period is the lack of security of tenure and succession rights accorded to occupiers. They could be evicted at the whim of their landlords; as Loveland (1995: 18-19) put it, "... Administrative law did not seem willing to recognize that tenants possessed either substantive or procedural rights in their housing".

We rely not only on CHAC reports but also on the materials (held in the English National Archive) which underpinned those reports: the social surveys, discussions, and reports of visits to councils made by members of the Committee. This expansion was not to "check" whether the reports were a proper translation of those materials, but to capture the range of instruments concerning the problematic of underoccupation.

This is not the place for a history of CHAC, but its significance here is that it was during this period that understandings about housing management were formed, and, in the process of developing those understandings, the identity of the council tenant also had to be formed. In their advice to councils, they drew on their own evidence as to the nature of the problem, and latterly questioned it (compare, for example, CHAC, 1938 and 1969 – discussed below). Advice was given about transfers of underoccupiers to smaller units, how to fill knowledge gaps, and the kinds of inducements which might work to displace an occupier (CHAC, 1938; 1949; 1953; 1959). These were mutually reinforcing – to understand the ambit of management is also to identify the managed.

The final set of texts are government White and Green Papers, research and good practice guides about housing. These relate generally to the period from 1971-2013. This period witnessed the breakdown of the relationship between central and local government; substantial erosion of the housing stock as a result of the right to buy policy (Jones and Murie 2006); council housing became a residualised and controlled tenure, re-envisioned as a tenure for the marginalised (Forrest & Murie, 1990; Cole & Furbey, 1994; Bramley *et al*, 2004).

During this period, a key problem concerned the proper use of council housing, both in terms of the population to be served and the efficient use of the available stock. In particular, underoccupation was an issue because of apparently greater housing need and the costs of managing a growing homeless population with a limited housing stock, together with a “move to a more businesslike approach to the management of resources” and a recognition of the problems of low demand (Barelli & Pawson, 2001: 1.2.3). A concern with underoccupation was not, however, always integral to the framing of the management issue.

The problematic during this period has been characterised as the relation between the apparently binary ideas of social housing as a ‘safety net’ and as a ‘tenure of choice’ (Fitzpatrick & Pawson, 2008); and, additionally, a recognition that systems of allocation and transfer produce issues in their own right (Pawson & Kintrea, 2002). However, a key change occurred early in this period: in 1980 council housing tenants obtained security of tenure and significant rights to succession of their properties (Loveland, 1992). This period ends with the shift towards fixed term council tenancies with limited rights of family members to succeed to those tenancies, characterized by Fitzpatrick and Pawson (2014) as the move towards social housing as an ambulance service, and coincided with the introduction of the bedroom tax. During this period, the instrumentation of underoccupation was discussed and acted upon through research and the promulgation of good practice, and was the subject of policy experimentation.

Governing underoccupation

In this section, rather than debating the nature of policy instruments, we look “from the point of view of the instrumentation at work” (Lascoumes & Le Gales, 2007: 6). From this perspective, instrumentation involves the intermediation between political and civil society through “devices that mix technical components (measuring, calculating, the rule of law, procedure) and social components (representations, symbol)” (id: 7). Our approach is therefore geared around problematisations of underoccupation, instruments for knowing it, and mechanisms of governance.

Why govern underoccupation?

A preliminary question concerns why it was felt necessary to govern underoccupation at all given that, once a tenancy is granted, the property is lost to the stock. From this perspective, underoccupation does not represent a legitimate subject of government. Yet, there may have been a sort of prurience attached to the drive to oversee the necessarily private living arrangements of a household. Some degree of intervention was inherent in the idea of housing management as a social service (see, for example, Damer & Madigan, 1974). However, that was advice on cleanliness and hygiene standards, and not on the intensity with which the accommodation itself was used.

The governance of underoccupation can be portrayed, then, as a triumph of the public over the private, the efficient use of public sector money over private family organisation. The problem of underoccupation arose at the same time as there was increasing focus on the idea of meeting housing need as a dominant ethos of council housing (Ministry of Health, 1934; Cowan & McDermont, 2006). As the 1938 CHAC sub-committee stated in its report on housing management:

... some check is necessary to prevent a family from continuing to occupy a house which with the passing of time has become too large after the children have grown up and left home, and to stop the taking of lodgers. In the former event the house is not being used to the best advantage; in the latter privilege is being abused; in both events the interests of the taxpayer and ratepayer are prejudiced. For these reasons we think it wise for the landlord to maintain contact even with his best tenants by occasional visits. (CHAC, 1938: 35)

In other work, particularly after the Second World War, the key concern was over the best use of existing housing stock in times of shortage. One might suppose that the identification of over-occupation as a problem would give rise to a focus on underoccupation as its binary opposite, so as “to secure for each household a house better suited to them in size, location or rent” (CHAC, 1953: 7); and the 1959 CHAC sub-committee regarded this question as a matter of importance for housing committees (CHAC, 1959: 63).

By 1969, however, this underlying rationality for the governance of housing occupation came into question. The CHAC sub-committee report trenchantly criticised this objective and suggested an alternative “modern” rationale:

... transfers and exchanges have previously been considered largely in the context of ensuring a ‘proper’ and full use of accommodation provided by local authorities. If this has been the objective, it has been a dismal failure: ‘underoccupation’ (however defined) in council housing is now greater than it has ever been and is increasing rapidly. We do not, however, think that the context of earlier reports is any longer relevant. We think that the objective of policy should be to provide the space standards to which tenants aspire, that the maximum freedom of choice should be provided and that mobility should be facilitated.

This attempted redefinition, however, failed to gain traction. It appears to have been largely forgotten by the 1970s. Underoccupation came to be regarded as an evil at a time when better use of the existing housing stock was required; in the 1977 Green Paper (DoE, 1977: 10.42), councils were exhorted to reduce obstacles to underoccupiers moving (including providing “movement incentives”, on which, see below). By the early 1990s, Barelli’s survey of councils found that underoccupation was “an issue for particular concern” in an era of declining re-lets and fewer properties becoming available to meet new households’ need (Barelli, 1992). New Labour’s 2000 White Paper raised the question of underoccupation in the context of a recognition that the housing stock types had not responded to changing household structures, and its geography had created problems, resulting in “inefficient and unsatisfactory use of the stock” (DETR, 2000: 6.11).

However, to assume that the rationality for governing underoccupation has been consistent, bar the 1969 blip, would be mistaken. There were contradictions with, and corrections to, a focus on underoccupation. In particular, the problem of low demand housing stock generated incentives to tolerate or even encourage underoccupation. So, for example, in the 2000s, under choice-based lettings schemes for allocating social housing, in principle applicants were able to choose housing that they would underoccupy, particularly if they were willing to live in low demand stock (see, for example, Cole *et al*, 2001: 27). Further, although

underoccupation might give rise to a transfer, other factors were in play. Murie *et al* (1976: 122-3) noted that “good” tenants were more likely to be considered for a transfer and “... a backlog of demand exists from small households actually requesting transfers, which cannot at the moment be met”. As Pawson and Kintrea (2002: 649) noted:

[I]t seems clear ... that transfer applicants are often prioritised partly because social landlords are under pressure locally to recognise aspirations (as well as needs) among existing tenants. Also, by effectively reserving the better houses and areas for transfers, such prioritisation provides a partial solution to the problem of how to find ways of generating tenants for less popular property types and neighbourhoods.

Similarly, it would be wrong to assume that the policy focus on underoccupation has been unwavering. White Papers during the Thatcher and Major governments were concerned with value for money and the role of council housing, but occupation rates were not discussed (DoE, 1987; 1995).

The problem of knowledge

Statistical knowledge is a significant instrument, both in the way it is compiled and presented, as it leads to particular problematisations (Lascoumes & Le Gales, 2007: 11). Underoccupation offers a vivid case study in the production of such knowledge. For example, there is an inconsistency between the Committee on Local Expenditure, which reported in 1932, and the Ministry’s 1932-33 report. On the one hand, without “ascertain[ing] how much truth there is in this contention”, the former drew attention to the “considerable numbers” of council tenants not in need of subsidised accommodation, and suggested that one of the core principles of housing management should be “that accommodation should not be wasted” by underoccupation (Committee on Local Expenditure, 1932: para 95-6). On the other hand, the Ministry’s subsequent report noted in response, following information obtained “from a small number of Local Authorities in various parts of England and Wales” that “The average number of occupants per house indicated that adequate use generally was being made of the accommodation provided” (Ministry of Health, 1933: 102-3).

That inconsistency highlighted the significant lack of knowledge as to whether, and to what extent, there was a “problem” of underoccupation, something which the 1931 survey was not equipped to answer. When the CHAC sub-committee came to address the question of management in 1938, they suggested:

Domestic conditions will never be wholly static, and to record the constant change it is desirable to keep a card index for the estate. On each card is entered the composition and history of the family ... in the case of a dwindling family to indicate the need for a transfer. (CHAC, 1938)

However, this variegated local knowledge was yet to be translated to the national stage. Indeed, in the first meeting of the 1953 CHAC sub-committee “... the Chairman said that, although there was little information available about the extent of underoccupation of houses, there was some on exchange schemes [and rent differential schemes]” (HLG 37/12, January 1953, original emphasis). The problem of knowledge persisted. So, for example, in their evidence to the 1959 CHAC sub-committee, Leeds County Council wrote that “No systematic survey has been made, but estate managers are expected to keep the Council’s information up-to-date” (HLG 37/12). In their 1959 report, the CHAC sub-committee advised that housing committees “... should require the officers responsible for management to make arrangements for regular review of occupancy” (CHAC, 1959: 63).

The 1953 CHAC sub-committee was left with an awkward problem. The underoccupation evidence was limited and they were to advise on “securing the best use of existing housing accommodation” (p iv). They had the decennial census, but they recognised that this was both a problem and potential solution:

One must be on guard against the fallacious assumption that housing problems can be reduced to a matter of impersonal arithmetic. Nevertheless, it is clear from the figures that at any rate some of the overcrowded families could have their problems solved if it was practicable for them to move into the larger houses which are not fully occupied. (CHAC, 1953: 9)

This was also the period of government through the technique of the circular. In their memorandum of evidence, for example, the Institute of Housing noted the kind of local surveys achieved by some managers: “In some cases the authority circularises its tenants of pre-war houses at intervals inviting them to apply for transfer to a new house”. The 1953 sub-committee, therefore, recommended that knowledge of the use of local stock be formed through inexpensive local surveys:

It is the practice of some local authorities to make a survey of the occupation of all their dwellings at regular intervals, generally yearly. Their object is the commendable one of making certain that they have up-to-date knowledge of the extent of overcrowding and underoccupation on their estates. Where very large numbers of houses are concerned, some expense and extra work are invariably involved, but the survey need not be elaborate. (CHAC, 1953: 17)

The survey was also the instrument used in the 1992 report (Barelli, 1992). This made a new discovery: underoccupation was more prevalent outside London and the South East. In a sense, this discovery was simultaneously intuitively plausible and unhelpful to those looking to better stock utilization to meet housing need more effectively. If the assumption was of a “problem” in areas of housing stress, these surveys found that use of housing stock in those areas was relatively efficient; the main problem lay in other areas, but whether that was a “problem” or not depended on local demand for tenancies.

The problem of definition

‘Under-use’ of housing is not easily defined. Different people have different ideas about how much housing space they need or want, and the reasons for under-use vary. (DoE, 1977: 10.41)

Unlike overcrowding, the term ‘underoccupation’ has no statutory meaning and there has been no history, in censuses and surveys, of trying to define and measure it. (Barelli, 1992: 1.3)

Even though underoccupation was talked about repeatedly from the 1930s onward, it remains a remarkable fact that its meaning was not stabilised. Indeed, despite all the exhortations to conduct surveys and for serious consideration of the issue, the lack of a definition suggests that the “problem” was a matter of common knowledge, treated as an obvious fact, as opposed to something established empirically. Lascoumes and Le Gales (2007: 4) refer to this kind of categorisation as a “micro device within a technique”, but what is particularly unusual about underoccupation as a category is the lack of agreed definition.

It was not until the 1949 sub-committee report that consideration was given to this issue. After some thought, it was advised that overcrowding be regarded as a bedroom deficiency, and that:

... whether a house is the right size for the family occupying it, they should adopt the bedroom-deficiency standard ... and that where by this standard the tenant has one spare room and desires to retain it they should not regard the house as underoccupied. (CHAC, 1949: 60)

However, this “underoccupation > 1 bedroom” formula remained unstable during this period. For example, even though it appears to originate with the London County Council’s standard, by 1953, “... Mr Stamp reminded the Sub-committee that the present stringencies did not allow the [London County Council], for example, to provide a spare room, although desirable, ...” (Minutes, 2nd meeting, 12th March 1953). From 1960, the London County Council’s own survey adopted a definition of underoccupation that was two or more rooms in excess of the grading rules normally applied to the allocation of that council’s dwellings (CHAC, 1969: 194, which used the LCC as its model scheme). That “>2 bedroom” scale, however, was categorized in the 2001 survey as “gross” underoccupation (Barelli & Pawson, 2001). In their good practice guide, Barelli and Pawson (2001) suggested the following measurement scale:

The extent to which a dwelling is ‘over’ or ‘under’ occupied can be measured by comparing the number of bedrooms currently rented by an existing tenant with the minimum number you would be prepared to offer if you were to let them another

property. This does not mean, of course, that any 'spare' bedrooms are not being used for sleeping or other purposes, or that members of the household consider they have too much space; in fact surveys consistently show just the opposite.

These definitions tied underoccupation to the threshold for an allocation, which itself may well have differed over time and location.

There was a second problem of definition. Underoccupation presumes comparison with a norm. The suggested definitions used the local authority's allocation scheme as the norm. This was an entirely rational approach. However, in 1969 the CHAC sub-committee challenged this kind of definitional framing. After all, the question of underoccupation would be evaluated differently if one took a different vantage point; indeed, from an altogether different angle, there was no problem at all. In a section entitled, "Is underoccupation a 'problem'?", the sub-committee argued that occupancy rates had fallen over the previous 50 years and "There are now far more rooms than persons in the country" (CHAC, 1969: 190). The problem and "simple fact" was that "... (on an arbitrary standard) the size-distribution of households does not 'match' the size-distribution of dwellings" (id). Nevertheless:

... there is great concern with the 'problem of underoccupation' and much effort on the part of local authorities is directed towards 'solving' it. The only 'solution' lies in the long-term provision of a higher proportion of small dwellings. (1969: 191)

And, further,

... criticisms of local authorities 'permitting their subsidised tenants to waste space' are misplaced as well as misconceived: except for the small and private furnished sector, council houses are more fully occupied than any others. ... (1969: 192-3)

This was a brave, and unsuccessful, attempt to re-frame the debate and to recognise that, if one's frame was housing stock irrespective of tenure, council housing was more effectively utilized than other tenures. This way of framing the problem was not adopted in rationalising social housing policy and was not used again: although the 1977 Green Paper discussed

under-use generically, it did so in the context of local authority housing and what could be done.

Governing tenants

Choice of regulatory tool depends on an assessment and understanding of the population to be governed, in addition to the particular governing rationality of the moment. As noted above, the construction of the governed population is related to the instrumentation (also, Jacobs et al, 2003b). Since the 1930s, as a general rule, the advice given and “circularised” to councils was that underoccupation could be dealt with through management transfers. The London County council, for example, reported that “existing tenants, who by reason of changes in their family are found to be in occupation of more accommodation than? they need are, when not protected by the Rent Restrictions Acts, asked to remove or transfer to a smaller house or flat on the Council’s estates ...” (LCC, 1937: 224; LCC, 1939: 6). This was not a question of the occupier’s housing need as such, but a question of the best use of stock. Assumptions about the motivations of the occupier, however, underpinned the degree of coercion involved.

Although the CHAC sub-committee (1938) regarded underoccupation as “an abuse of privilege”, nevertheless, the Ministerial Circular which sent the CHAC report to councils contained an exhortation to the underoccupier’s “knightly” persona (in the Le Grand, 2003, sense):

Those who have had the benefit of a municipal house in the time of their need will be the first to appreciate that their houses should be used to the widest possible extent for the benefit of those whose needs are greatest ... The matter is essentially one requiring tact and good will on the part of the authority and tenants, and the Minister does not think it necessary to do more than indicate his view that in reviewing the allocation of houses at their disposal the authority should keep to the fore the

objective of better housing for those whose needs are greatest. (Ministry of Health, Circular 1740/1938)

This attribution appeared again in the 1953 CHAC sub-committee's rendition, although this time by way of a recommendation that underoccupiers might be persuaded by reference to the collective good: "Tenants should be encouraged to realise that by accepting a transfer they are helping a family on the waiting list" (CHAC, 1953: 63). Even so, by this time, there were indications that a reliance on knightly motivation alone might be insufficient. So, for example, "... local authorities have discretion to contribute to [removal expenses], and the reluctance of tenants to move can often be overcome by sympathetic advice and help given by housing managers familiar with the personal problems involved" (para 13).

The 1953 CHAC report is also notable because of the explicit threat to tenants who refused to accept their knightly duty or the economic incentive together with the officer's empathy. It will be remembered that council occupiers had limited security in their homes. The 1953 report went on to note that "local authorities have powers, in the last resort, to compel a tenant to move. In these days of acute housing shortage there is clearly a moral obligation on a tenant, who is seriously under-occupying a subsidised Council house that is needed for a larger family, to vacate it if the Council can make him a reasonable offer of a house of the right size in the same district". That ethico-moral obligation, the hallmark of liberal housing management, was the subject of compulsion, such as the removal of subsidised rent (CHAC, 1953: 14).

The evidence to the 1953 sub-committee revealed a range of practices already being used by the councils. Evidence from the London County Council, for example, is recorded in the minutes:

Persuasion to move: the council employs all measures short of threatening legal action. Tenants are informed that a smaller house would be cheaper, and that there is a moral obligation on them to move. ... Where a transfer not initiated by the tenants was being made, the Council would consider inducement (e.g. one week rent free) and might redecorate the house to which the family was going. (HLG 37/99)

Carrots (eg re-decorating a property internally) and sticks (removal of subsidy or rent rebate) were used. The Society of Housing Managers wrote that housing managers have ““found in practice that persuasion is adequate, combined with a rent rebate scheme so administered as to prevent tenants from benefitting if underoccupation exists and smaller accommodation is available”” (HLG 37/99). There were different practices regarding allowing underoccupiers to take in lodgers. As for compulsion, there were indicators of the kinds of practices involved. Holborn Metropolitan Borough wrote that it was a condition of tenancy that there was to be no underoccupation. And:

It has not been the practice of the Council to compel tenants to vacate premises in these circumstances except in a few exceptional cases of extreme “underoccupation” (Wandsworth MB, HLG 37/26)

Many tenants now have a vested interest in ‘staying put’ and steadfastly resist all suggestions of moving to make way for other families badly in need of a larger house, but it is rare for a local authority to exert pressure to the point of eviction proceedings, and it is suggested that, in the main, a local authority will restrict itself to persuasive measures (Institute of Housing, Supplementary Memorandum, HLG 37/26)

Of course, at this time, councils were able to “exert pressure” in this way. This changed in 1980 with the introduction of the “Tenant’s Charter” rights, including security of tenure, which fundamentally altered the institutional landscape and reshaped the effectiveness of established policy instruments. This kind of threat and compulsion were no longer possible. Indeed, the only ground of possession based on underoccupation was limited to succession cases as well as the provision of suitable alternative accommodation (now in Housing Act 1985, Sch 2, Ground 16).

This may have been a contributory reason why, from this time, the principal tools used by councils came to focus on financial incentives. Griffiths *et al* (1996: 7.6) found that, in their study areas, “Various incentive schemes were in operation to encourage tenants underoccupying property to transfer. Redbridge for example paid £2000 per bedroom if the

property was in good condition provided the move was from a 4 to a 2 bed or a 3 to a 1 bed". Barelli and Pawson found that 59 *per cent* of councils had cash incentive schemes for under-occupiers; such schemes were encouraged by other new public policy instruments like Housing Investment Programme returns and good practice guides. However, as Barelli and Pawson (2001) noted in their DETR good practice guide:

Cash incentives, payment of expenses and help with removal arrangements are unlikely to generate interest from anyone who is not already thinking about moving, but they can play an essential role in helping to overcome practical and financial barriers. It may seem wasteful to offer incentives to people who would have moved anyway, especially if they are going to a choice property, but some people who would like to move are deterred by the practicalities, the upheaval, and by lack of money.

The DWP piloted a scheme under which occupiers were incentivised to transfer to a smaller property by the payment of six months' worth of half the saving of housing rebate. An evaluation noted that this scheme had little or no impact on decisions to register for a move and deliberations over alternative properties, and in fact there was limited awareness or comprehension of the offer (Pawson & Sinclair, 2003). And it appears that, subsequently, the incidence of these kinds of cash payments by councils reduced (Pawson *et al*, 2009: 4.32).

While financial incentives could be targeted at subsidising the costs of relocating or offering a windfall for those who moved, the alternative more direct approach was to change tenants' costs of remaining in their current accommodation. We have seen how CHAC (1953) advised that the removal of price subsidy was a potential policy instrument to address underoccupation (and was mandated by the governing statute). In the late 1980s, the government returned to the use of pricing to achieve policy objectives. The flat rent structures that had evolved in local authority housing – where the rent differential between large and small properties was relatively modest – were identified as an impediment to the operation of economic incentives and particularly affected larger properties; the rationale was that "size differentials reduced the affordability of larger properties: larger homes were suited to families, and families with children – especially larger families – are generally accepted as at

risk of poverty” (DTZ Piedad, 1996: 6.12). Although rent differentials between properties grew during the 1990s, as Walker and Marsh (1995: 4.32-3) found in their study of rents:

None of the respondents believed that transfer requests were motivated by differences in rents between different properties and different areas.

These experiences suggest that tenants’ behaviour is not highly sensitive to rent relativities.

This led to the belief among policy makers that increasing rent differentials would sharpen incentives. The 2000 Green Paper (DETR/DSS, 2000) proposed a regime of rent restructuring based on a target rent formula to encourage tenants living in large properties to reflect on whether they would be better off trading down to a smaller property. The rent restructuring regime represented a significant innovation on a number of fronts. It was made possible not by command and control legislation, but by a permissive structure and economic levers to influence pricing. The key point is that it broke away from separate systems for local authority and housing association rent setting. If the governing rationale was consistent treatment of key problems facing social rented housing then policy needed to encompass housing associations, which were managing an ever-increasing proportion of the stock. Rent restructuring imposed a standardized approach aimed at driving rent convergence across sectors. Restructuring was justified on the basis that it would create more coherent rent structures that facilitate and incentivize consumer choice.

There were two key constraints on this policy instrument. First, by the 1980s, rent rebates were received by more than half of all social rented tenants and had become a right which could not be removed. Tenants in receipt of rent rebates were therefore largely insulated from the effect of increasing rent differentials. The 2000 Green Paper’s accompanying proposals for reform of rent rebates – seeking to address this issue - were never implemented. Secondly, research evidence indicated that rent differentials of a magnitude that would be politically acceptable would not be large enough to incentivise tenants to move (Walker et al, 2002).

Attempts to increase economic incentives were thus constrained by the perceived political consequences of attempting to price existing tenants out of their homes. The alternative route to reshaping economic incentives was to alter the support available to tenants to assist them in paying rent. From this perspective, it can be argued that, in terms of policy instruments deployed with the aim of addressing the underoccupation problem, something like the bedroom tax was the obvious next step.

Yet, as noted above, rent rebates had come to be viewed as a right. Here, the issues of comparisons and equity are fundamental. When the Labour government introduced the local housing allowance in the private rented sector in 2008 it was accompanied by a range of regulations limiting maximum eligible payments (Cowan, 2011). This opened up the space for the 2010-2015 Coalition government to argue that equitable treatment across tenures justified the introduction of similar limits in the social rented sector. The principle of treating local authority landlords and housing associations similarly for rent-setting purposes could be extended so as to conclude that social housing tenants in both sectors should be subject to the same restrictions on housing allowances. Hence, we return to the Bedroom Tax.

However, the crucial difference between the social and private rented sectors was that, in the latter, the restrictions in rent allowances applied to households taking up *new* tenancies, but in the public rented sector they were applied retrospectively to *existing* tenants. This was an inevitable feature of the policy if it were to claim plausibly to be addressing the policy objective of discouraging underoccupation. But it was also key to the much more negative reception for the public sector policy (Carr and Cowan, 2016).

Equally importantly, viewing the bedroom tax primarily as a policy technique to deal with underoccupation is to miss important components of the story. It was introduced by the Department for Work and Pensions as part of a broader programme of welfare reform (see Lupton et al, 2016), rather than originating from within the housing policy community. It had a number of objectives, not simply around underoccupation. The primary objective was to contribute to restraining the overall housing benefit bill, as part of the Coalition Government's austerity policy. Affected tenants were expected either to trade down to smaller properties or make up shortfalls from their own resources. It was also hypothesised that the policy would

improve work incentives and present tenants receiving benefits with the types of choices faced by other households (DWP, 2012).

The idea that the policy was primarily about dealing with underoccupation could be questioned on at least three grounds. First, prior to implementation it was demonstrably the case that there were not sufficient small properties for underoccupying households to trade down to. Secondly, older households – who are much more likely to be underoccupiers than working age households – were explicitly exempt from the restrictions. Thirdly, underoccupation knowledge, as we have seen, was at best unclear (see Gibb, 2015). Indeed, it could be argued that, rather than a serious policy rationale, reference to underoccupation represented a technocratic rationalization (Flybjerg, 1998) designed to resonate with established policy concerns, thereby providing some legitimacy to a strongly ideological policy agenda.

Discussion

When we switch focus from overarching narratives about housing policy development – such as models of tenure modernisation that trace social housing development through mass housing and towards residualisation – to an apparently marginal issue such as underoccupation, we argue that other facets of the housing policy story are illuminated.

The first, and perhaps most significant, point emerging from this history is that, rather than being ignored, underoccupation had been a theme for government (and its agencies) since 1929. As a policy instrument, policy explicitly *was* directed towards the ‘problem’ of underoccupation, underpinned by legal powers (and their absence), as an embedded component of housing management. Underoccupation was not in any sense “discovered” by the 2010-2015 Coalition government and acted upon in 2013.

Early discussions highlighted the problem of knowledge. Local authority administrative records at neighbourhood level could act as a passive detector (Hood & Margetts, 2007) of underoccupation. But this approach was not suited to deliver knowledge useful at borough or national level. The advocacy of local authority surveys as an active detector, and

subsequently the use of bespoke surveys at national level, was the natural successor for constructing knowledge. The empirical challenge of assessing the extent of underoccupation is compounded by the more fundamental issue that at a definitional level the concept has been fluid. This signals a lack of normative consensus regarding what constitutes 'appropriate' housing consumption. One reason why the bedroom tax engendered such disquiet was that it imposed a definition of underoccupation that lacked nuance and conflicted with the way in which many local allocation schemes framed the issue, thereby reclassifying substantial numbers of 'appropriately' housed tenants – particularly households with a disabled member - as 'underoccupiers'.

When we move to consider what Lascoumes and Le Gales (2007) describe as policy techniques – concrete devices to operationalize the policy instrument – we see that, by 2013, a range of governmental techniques have been applied to the “problem”. While new policy instruments have been added to the mix, the more important feature is that the willingness to use available policy instruments changes over time.

Early policy was legislative and regulatory, in Lascoumes and Le Gales' terms, and relied on administrative mechanisms of transfer and mutual exchange. This approach was subsequently supplemented with a focus upon responsabilising occupiers themselves. The use of economic and fiscal techniques attracted more policy attention from the late 1980s onward. None of these mechanisms were notably successful in addressing underoccupation.

As Lascoumes and Le Gales (2007, 3) argue, every policy instrument gives insight into contemporary concepts of effective social control. Techniques for addressing underoccupation reveal much about the changing conceptualisation of the citizen; the relationship between the citizen and the state; and the purpose of social housing. Early reliance on administrative mechanisms was accompanied with appeals to citizens' sense of the public interest. Underoccupying residents were asked to take a broader view of deservingness and to recognise that comparative need was greater elsewhere. The government considered exhortation sufficient: whilst there was awareness of more interventionist policy techniques their use was largely eschewed. The move towards greater emphasis upon economic and fiscal techniques to address underoccupation signalled a

reconceptualization of the tenant: rather than assuming that appeals to the public interest would be effective, the focus was on tenants' self-interest.

This change can be seen as a microcosm of a broader paradigm shift away from public administration towards the New Public Management (Greener, 2013), and the increasing economisation of public policy (Wolff and Haubrich, 2005). The techniques (and seduction) of quantification and economic incentives, which dominated this period, were equally dominant on this issue (Merry, 2016). The move to conceptualise tenants as rational consumers peaked under the Blair governments of 2000-2007 when, in common with a range of other policy areas, the government sought to embed the concept of the citizen-consumer (Marsh, 2004; Clarke et al, 2007). The Blair governments' consumerist approach to public services – where the sovereign consumer claims rights to services – was succeeded by a Coalition government (2010-2015) that was equally committed to financial incentives but reconceptualised the service user as a supplicant, a beneficiary of state largesse conditional on conformity. The underoccupier was now a deviant (Schneider and Ingram, 1993): illegitimately benefiting from state assistance to the detriment of taxpayers. This reconceptualization justified the adoption of the bedroom tax, a more interventionist approach to dealing with the 'problem'. This is but the most recent reconceptualisation of the council tenant. For example, Jacobs et al (2003b) discuss the way in which the social construction of the image of the council tenant moved in the opposite direction – from deviant to dependent – during the 1970s as a prelude to the introduction of the Right to Buy.

As revealing of the discursive work underpinning this debate are the unsuccessful attempts to reconceptualise underoccupation. As Bowley (1944: 16) pointed out, there was a crude over-supply of accommodation by 1938, and so the problem of overoccupation was not to be solved by the provision of new homes but by consideration to the "sizes of the families, the places where they have to work, and what they can afford to pay for their houses". The 1969 CHAC sub-committee report sought to re-define the nature of the underoccupation by reference to contemporary housing aspirations and, comparatively, with reference to housing conditions across tenures. This was an attempt to frame tenants with an apparent surplus of bedrooms as appropriately dependent rather than deviant, which was ultimately unsuccessful.

Yet, at no point was there an attempt to deal with underoccupation among private sector occupiers who can afford their own accommodation. The use of explicit subsidy and rebate – rather than the less visible tax-expenditures benefiting owner occupiers – were taken by both central government and councils as conveying the authority to conduct a moral campaign, and construct an ideal-type ethico-moral citizen-occupier that was the equivalent of the campaign against over-crowding (Wohl, 1983). Dorling (2015) has sought, with limited success, to rekindle this debate through highlighting cross-tenure inequalities in space consumption (see also Tunstall, 2015). The English experience can, therefore, be contrasted with the way in which housing policy in Australia, for example, has sought to construct the underoccupying owner as a suitable subject for government (Batten, 1999). The history of this backwater of housing policy demonstrates how class, income, and tenure played such a significant role in the shaping of housing policy.

Changing conceptions of the citizen accompanied and facilitated policy change. To see developments exclusively in idealist terms, however, would be to misread the trajectory of underoccupation policy. The institutional context in which policy was developed has a profound influence. The intersection of the depletion of the social housing stock as a result of the Right to Buy with the increasing demand for affordable housing created the context in which increased policy attention to the use of the stock was seen as necessary. The more urgent the problem of unmet need becomes, the more interventionist the mechanisms to address underoccupation can be justified. Once expanding the new supply of social housing was ruled out by the self-imposed constraints of austerity, the policy imperative to delegitimise the position of the underoccupier - to ensure the best use of public assets - gained further momentum. However, the most significant institutional change was the promulgation of secure tenancies in 1980. Once stronger rights of occupancy were conferred on tenants, policy instruments based on persuasion or threats of eviction were neutralised; alternatives which responsibilised and incentivised occupiers to act in their own self-interest were required. In parenthesis, we observe that one of the consequential, yet to be considered effects of the shift from “lifetime” to fixed term tenancies (up to five years) introduced since 2012 is the renewed ability of social landlords to influence the occupancy rates of their

properties, including removing underoccupiers at the end of their fixed term. Thus, we may see a return to the coercive strategies of the mid-twentieth century.

Finally, we note that policy instruments have an axiological function – signalling “the values and interests protected by the state” (Lascoumes and Le Gales, 2007, p 12). In the case of underoccupation, this refers to assessments of the relative well-being of different households: those who are underoccupying; those who are overoccupying; those who are living in temporary accommodation; those who benefit from living in stable neighbourhoods; those who are ‘taxpayers’ versus those who are ‘benefit recipients’, two categories that recent policy discourse has treated as distinct but which in practice overlap. Early underoccupation policy invited underoccupying households to consider the well-being of those who were overoccupying or excluded from housing and trade down to free up space. In contrast, recent policy has relied upon prioritising the wellbeing of the ‘taxpayer’ and the household in temporary accommodation and sought to downplay the importance of the well-being of settled, underoccupying, households or the value that they may contribute to mixing and stabilising communities.

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